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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/723,333 | 11/26/2003 | Sanjay Manandhar | ITJ-002.01 (f/k/a SJM-001 | 9484 |
| 25181 | 7590 | 10/17/2006 | EXAMINER | |
| FOLEY HOAG, LLP PATENT GROUP, WORLD TRADE CENTER WEST 155 SEAPORT BLVD BOSTON, MA 02110 | | | BELL, CORY C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2164 | |

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/723,333 | Applicant(s) MANANDHAR, SANJAY | |
| | Examiner Cory C. Bell | Art Unit 2164 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-12, and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avent et al. in view of US 2001/0055988, known hereafter as Blake.

4. **Claim 1** is rejected for the following reasons:

5. Avent teaches the limitations as follows:

1. A method for user access to a publicly accessible information source comprising: providing a publicly accessible information source having data and an integrated visible display, the visible display presenting at least a first subset of the data; {Para 6 lines 1-8} upon viewing the integrated visible display, sending query data to the publicly accessible information source; {Para 28 the act of using a menu to get additional information is querying the publicly available information source} and receiving at least a second subset of the publicly accessible information source data from the publicly accessible information source, {Para 28 downloading information from the menu} wherein the publicly accessible information source is simultaneously accessible

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to a plurality of users in the vicinity of the publicly accessible information source. {This system is inherently accessible by all users in the vicinity of the transceiver}

Avant fails to expressly disclose matching pre-programmed user requirements to received data.

This feature is taught in Blake para 38, however. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature, as it provides the advantage for being able to predict a users interest in a topic, thus preventing receiving unwanted information, and allowing the user to receive possibly desirable information automatically.

6. **Claim 2** is rejected as Avent teaches the limitations as follows:

2. The method of claim 1 wherein the publicly accessible information source sends and receives data using a transceiver. {Para 23 “the broadcasting device may be comprised of a transceiver mounted or embedded in the display”}

7. **Claim 3** is rejected as Avent teaches the limitations as follows:

3. The method of claim 1 wherein the publicly accessible information source performs at least one of storing data, organizing data, and sorting data, using a database. {Para 25 “data may be stored in the transceiver itself in an internal database”}

8. **Claim 5** is rejected as Avent teaches the limitations as follows:

5. The method of claim 2 wherein the transceiver communicates using a hardwired connection. {Para 23 “the transceiver may communicate wirelessly or there can be a hardwire connection.”}

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9. **Claim 6** is rejected as Avent teaches the limitations as follows:

6. The method of claim 2 wherein the transceiver communicates using infrared light. {Para 6}

10. **Claim 7** is rejected as Avent teaches the limitations as follows:

7. The method of claim 2 wherein the transceiver communicates using radio frequency communications. {Para 6}

11. **Claim 8** is rejected as Avent teaches the limitations as follows:

8. The method of claim 1 further comprising initiating a telephone call or accessing a URL using the received second subset of data. {Para 8}

12. **Claim 9** is rejected as Avent teaches the limitations as follows:

9. The method of claim 1 further comprising performing a commercial transaction using the received second subset of data. {Para 14}

13. **Claim 10** is rejected as Avent teaches the limitations as follows:

See Claim 1 rejection.

14. **Claim 11** is rejected as Avent teaches the limitations as follows:

See Claim 2 rejection.

15. **Claim 12** is rejected as Avent teaches the limitations as follows:

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See Claim 3 rejection.

16. **Claim 15** is rejected as Avent teaches the limitations as follows:

See Claim 5 rejection.

17. **Claim 16** is rejected as Avent teaches the limitations as follows:

See Claim 6 rejection.

18. **Claim 17** is rejected as Avent teaches the limitations as follows:

See Claim 7 rejection.

19. **Claim 18** is rejected as Avent teaches the limitations as follows:

18. The method of claim 10 wherein the user device is a personal digital assistant. {Para 6}

20. **Claim 19** is rejected as Avent teaches the limitations as follows:

19. The method of claim 10 wherein the user device is a cellular telephone. {Para 6}

21. **Claim 20** is rejected as Avent teaches the limitations as follows:

See Claim 8 rejection.

22. **Claim 21** is rejected as Avent teaches the limitations as follows:

See Claim 9 rejection.

23. Claims 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avent et al. and Blake in view of US 2002/0078253, know hereafter Szondy et al.

24. **Claims 4, 13, and 14** are rejected for the following reasons:

Avent et al. and Blake teach the claims upon which the claims are dependent, however it fails to expressly disclose negotiating between the user device and the data provider to determine the content type and the device capabilities. This is taught but Szondy et al. in figure 2 and paras 3 and 5. Thus it would have been obvious to include the feature in these claims in the invention of Avent as they allow for a large number of different devices to be used and reduces the amount of memory needed to provide the service to the devices.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

The new drawings have been accepted, and the objection has been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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